

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL CLARK,

Plaintiff,

v.

OFFICER GUERRERO,

Defendant.

2:09-CV-141 JCM (PAL)

ORDER

Presently before the court is defendant Adrian Guerrero's motion to dismiss. (Doc. # 133). Pro se prisoner plaintiff Michael Clark filed a response in opposition (doc. # 135), and defendant did not file a reply.

Defendant moves the court for the second time to dismiss this case pursuant to LRS 2-2. LRS 2-2 instructs that an in forma pauperis plaintiff "shall immediately file with the Court written notification of any change of address," and "[f]ailure to comply with the Rule may result in dismissal of the action with prejudice."

Defendant alleges that when he mailed discovery responses to plaintiff the mail returned as undeliverable. Plaintiff argues that his address has not changed. From the court's review of the docket, it does not appear that plaintiff's address has changed. Defendant has not filed a reply to argue to the contrary. The court finds it appropriate to deny the motion.

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1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Adrian
3 Guerrero's motion to dismiss (doc. #133) be, and the same hereby, is DENIED.

4 DATED August 8, 2013.

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7 UNITED STATES DISTRICT JUDGE
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